THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.8138 of 2005

Dated: 01.08.2006

Between
Revur Krishnaiah

…..Petitioner

and

1. The Joint Collector, Nellore and another.

….Respondents

HE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.8138 of 2005

ORDER:

This writ petiton is filed seeking a Mandamus to declare the order dated 8.8.2002 on the file of the 1st respondent as arbitrary and illegal and violative of principles of natural justice.

It appears that the petitioner was holding authorization for fair price dealership of Yepuru village, Rapuru Mandal, Nellore District. Since he was involved in certain irregularities in running the fair price shop, he was issued a show cause notice and thereafter his licence was cancelled by the Revenue Divisional Officer, Nellore. Aggrieved by the same, the petitioner carried the matter in appeal before the Joint Collector, Nellore. The Joint Collector after a detailed consideration of the proceedings issued by the Revenue Divisional Officer and also on the basis of the material available on record, dismissed the appeal holding that there was no reason to interfere with the order passed by the Revenue Divisional Officer. Aggrieved thereby, the present writ petition has been preferred.

Learned counsel for the petitioner strenuously contended that the very order passed by the Revenue Divisional Officer, Nellore is violative of principles of natural justice, since the purported report submitted by the Mandal Revenue Officer, Rapur was not furnished to the petitioner in spite of his request for the same. Even the 1st respondent also relied upon the very same

report as relied upon by the Revenue Divisional Officer while upholding the order of cancellation of licence of the petitioner. Therefore, the order passed by the Revenue Divisional Officer as confirmed by the Joint Collector is in gross viaolation of principles of natural justice.

Learned Government Pleader appearing for the respondents stated that the ground as to non furnishing of the Mandal Revenue Officer's report was never raised before the appellate authority i.e., Joint Collector and further the petitioner has never asked for copy of the report of the Mandal Revenue Officer, Rapur. But he did not state that the said report was furnished to the petitioner.

The entire proceedings of the Revenue Divisional Officer or in the order or the Joint Collector, no where it is stated that a copy of the Mandal Revenue Officer's report which was the basis for cancellation of the fair price dealership of the petitioner was furnished to the petitioner. Therefore, it must be deemed that the order passed by the Revenue Divisional Officer as confirmed by the Joint Collector is in gross violation of principles of natural of justice. As such the order passed by the Revenue Divisional Officer as confirmed by the appellate authority is liable to be set aside and accordingly set aside.

In the result, the writ petition is allowed. However, this will not preclude the Revenue Divisional Officer from conducting a fresh enquiry into the matter. If the Revenue Divisional Officer wants to conduct a fresh enquiry, he shall do so by putting the petitioner on notice and furnishing all the required documents asked by the petitioner and the matter shall be decided within a period of three months from the date of receipt of a copy of this

order. Till such time, status quo as on today shall continue as to the fair price shop dealership of the petitioner.

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01.08.2006

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